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26 TEXAS EASTERN OVERSEAS, INC.

27 **UNITED STATES DISTRICT COURT**  
28 **EASTERN DISTRICT OF CALIFORNIA**

AMERIPRIDE SERVICES INC., a  
Delaware corporation,

Plaintiff,

vs.

VALLEY INDUSTRIAL SERVICES, INC.,  
a former California Corporation, et al.

Defendants.

AND CONSOLIDATED ACTION AND  
CROSS AND COUNTER-CLAIMS.

**FILED**

**OCT 19 2016**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature]  
DEPUTY CLERK

Case No. 2:00-cv-00113-MCE-DB

**STIPULATION AND ORDER RE  
ADMISSIBILITY OF PUBLIC AGENCY  
DOCUMENT EVIDENCE**

Trial Date: October 17-19, 2016  
Time: 9:00 a.m.  
Courtroom: 7  
Judge: Hon. Morrison C. England, Jr.

Complaint Filed: January 20, 2000

1 Plaintiff AMERIPRIDE SERVICES INC. ("AmeriPride") and Defendant TEXAS  
2 EASTERN OVERSEAS, INC. ("TEO"), by and through their respective counsel, stipulate  
3 as follows with respect to the admissibility of public agency documents or records:

4 **RECITALS**

- 5 1. AmeriPride and TEO each have designated certain public agency  
6 documents and records as evidence to be introduced at trial;
- 7 2. AmeriPride and TEO agree that the trial will proceed more efficiently by  
8 eliminating the need at trial to individually authenticate each public agency document and  
9 record on a party's exhibit list;
- 10 3. To facilitate a more efficient trial, AmeriPride and TEO have agreed to  
11 stipulate to the foundation of the documents and records on each party's respective exhibit  
12 list that purport to have been created by the following public agencies:
- 13 a. California Department of Health Services ("DHS");  
14 b. California Department of Toxic Substances Control ("DTSC");  
15 c. California Regional Water Quality Control Board, Central Valley  
16 Region ("RWQCB");  
17 d. Sacramento County Environmental Management Department  
18 ("SCEMD"); and,  
19 e. Sacramento Regional County Sanitation District ("SCSD").

20 **STIPULATION**

21 Based on the foregoing, AmeriPride and TEO, through their respective counsel of  
22 record, stipulate as follows:

- 23 1. All documents and records on each party's respective exhibit list that purport  
24 to have been created by DHS, DTSC, RWQCB, SCEMD, or SCSD are subject to this  
25 Stipulation;

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2. Each of the public agency documents or records subject to this Stipulation will not be objected to on the basis of lack of foundation because each document or record satisfies the requirements of authenticity under Federal Rule of Evidence 901;

3. Each of the public agency documents or records subject to this Stipulation will not be objected to on the basis of hearsay of the document itself under Federal Rule of Evidence 801;

4. Neither TEO nor AmeriPride will object to the introduction or use during trial by either party of any of the documents or records subject to this Stipulation on the basis of lack of foundation, improper authentication, or hearsay of the document itself;

5. AmeriPride and TEO agree that the documents or records subject to this Stipulation qualify as records of a regularly conducted activity subject to the exception to the rule against hearsay in Federal Rule of Evidence 803(6);

6. AmeriPride and TEO expressly reserve their rights to object to the documents or records subject to this Stipulation on any other grounds, including hearsay statements within the document itself; and,

7. This Stipulation does not apply to any objections to foundation and/or authenticity, with respect to any handwriting on the exhibits covered by this Stipulation.

Date: October 14, 2016

BASSI, EDLIN, HUIE & BLUM LLP

By: /s/ Fred M. Blum  
FRED M. BLUM  
ERIN K. POPPLER  
Attorneys for Defendant  
TEXAS EASTERN OVERSEAS, INC.

Date: October 14, 2016

HUNSUCKER GOODSTEIN PC

By: /s/ Brian L. Zagon  
PHILIP C. HUNSUCKER  
BRIAN L. ZAGON  
MARC A. SHAPP  
Attorneys for Plaintiffs  
AMERIPRIDE SERVICES INC.

1  
2 Date: October 14, 2016

PERKINS MANN & EVERETT, APC

3  
4 By: /s/ Lee N. Smith

LEE N. SMITH

Attorneys for Plaintiffs

AMERIPRIDE SERVICES INC.

7  
8 **ORDER**

IT IS SO ORDERED.

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10 Date: 10.19.16



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12 HON. MORRISON C. ENGLAND, JR.  
13 UNITED STATES DISTRICT JUDGE  
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